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NO. 82 - 71

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1982

HERBERT A. COCHRANE, Pro Se. Petitioner

v.

KARL N. MARX, Business Mgr., Greystone Park, N.J.

RICHARD E. WINANS, Former Personnel Manager at Greystone Park, N.J.

MORRIS C. FOYE, III, Former Hospital Administrater at Greystone Park, N.J.

WILLIAM F. HYLAND, Former New Jersey State Attorney General, Trenton, New Jersey.

JOHN J. DEGNAN, Former New Jersey State Attorney General, Trenton, New Jersey.

Respondents.

PETITIONER'S REPLY BRIEF

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Herbert A. Cochrane, Pro Se. Petitioner.
P.O. Box #71 - G
Greystone Park
N.J. 07950 - 9071.

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GENERAL INSPECTION OF RESPONDENTS BRIEF

The Brief submitted by the New Jersey Attorneys General is supposedly presented by licensed professional advocates. Just a casual reading of the submitted material clearly indicates, not only a most unprofessional presentation, but nothing is rebutted or denied; as presented in the Petition for Certiorari. This is even obvious to the untrained observer. The only material presented is that which was presented below, in the moving papers of the Defendants - Appellees. This is presented to the United States Supreme Court as the facts of the matter, with great emphasis on appearances of confidential and professional acumen. The Brief is submitted with the New Jersey Court titles; "of Counsel", "on the Brief", and the State titles of Attorney General and Deputy Attorney General. Absolutely nothing in the Petition for Certiorari is contradicted.

The plain and simple fact is glaring and obvious - the Petition cannot be rebutted, contradicted, or denied.

The cases cited by the Respondents are not even closely akin to the factual pattern of the instant case. This should also be obvious, most particularly to the trained or informed reader.

That there be no misunderstanding, in the Appendix of this Reply Brief, the Petitioner has included a copy of the "incomprehensible allegations concerning 'criminal abuses of judicial process in New Jersey state courts." This document is addressed to the New Jersey Appellate Court, is dated July 25, 1977; and is found on Appendix page 2a. Petitioner has several copies of the Summary Judgment proceeding transcript; however their inclusion in the Briefs is not practical. They can be supplied to the Court upon request. Also included is a copy of the Written Instrument ORDER, prepared and submitted by Defendant Hyland, not by this Petitioner; dated January 28th. 1977, and found on Appendix

page 14a, this Reply Brief.

On the whole, the Respondents Brief is presented to confuse the reader, instead of rebutting or impeaching the Petitioner. This mechanism for confusing the reader, or disarm the indictment type missile, can be easily demonstrated to the United States Supreme Court, by their use of, "references to the Appendix filed by Petitioner with the Third C.C.A.". This mechanism is initiated at the bottom of page 2, as the footnote in Respondents Brief. The only pages (Aa ____) referred to by the Respondents, are those pages indicated as (Aa 8 to Aa 13). These pages are the so-called "answer" pages to the COMPLAINT, filed by the Respondents, in N.J. District Court; and incorporated in the C.C.A. Appendix as Defendants - Appellees "answer" to the District Court COMPLAINT. Absolutely none of the moving papers presented by this Petitioner are even referred to by the Respondents in their Brief.

This mechanism for confusing the United States Supreme Court is also demonstratable in the

"insubstantial, implausible, and incomprehensible" expressions, which well lard the Respondents Brief. A glance at the Plaintiff - Appellant's Reply Brief to the Third C.C.A. contains its Appendix from pages A to M. This is all easily readable material to everyone, and not requiring a mechanical engineering degree, knowledge of German to translate theory or process, Project Engineer (Mgr.) status, etc. Quite obviously, this Petitioner understands that Deborah T. Poritz is not an M.E., Project Engineer, etc.; however, she also obviously does not even know whom to call on the telephone, regarding such common place or common knowledge matters. Messrs. Kimmelman, and Blake are attempting to confuse the United States Supreme Court on the common place, or common knowledge matters.

A casual glance at Petitioner's Brief readily informs the reader that every matter presented is under specific U.S. codification, complete with New Jersey state court criminal violations. All issues then presented to the United States Supreme Court are presented as a matter of law, and unimpeachable.

Page 2. Statement of the Case.

The date March 23, 1973 is presented to the United States Supreme Court as a documented event that brings credit to the veracity and decision making abilities of the New Jersey State-owned and operated industries. The emphasis is on their decision making acumen in report writing about this Petitioner; based upon their record-keeping sources, methods, and procedures.

As indicated in the Petition, a professional inspection of these very minor employee statements submitted to Defendant Marx, has been included in the PRELIMINARY EXHIBITS; Petition pages i (3), 6, 15, 18, 25, and 24a. The self impeaching nature of these very minor employee statements against this Petitioner is demonstrated in Maroon Portfolio #1, Black Binder #1 "Decision Making Approval by Mr. Karl Marx on Report Writing about Mr. Cochrane", pages 20 to 36. There are four (4) Maroon Portfolios com-

prising the PRELIMINARY EXHIBITS, which were prepared in 1974, and are exclusive of the newer Exhibits.

To be most precise, and candid with the United States Supreme Court, this Petitioner prepared these old Exhibits to demonstrate that the decision making abilities of the Defendants and the New Jersey Home Office in Trenton, "would not know how to order jelly beans, or construct chicken coops". With the new Exhibits, these are naturally the preponderance of evidence in decision making by the Defendants, and the Home Office in Trenton, New Jersey.

The self impeaching report of Defendant Marx, dated April 6, 1973, is presented on page 37 of this Black Binder #1.

Page 3. The paragraph commencing, "On May 12, 1976, etc.", is a fabrication by the Defendants, and the New Jersey cabal of Attorneys General.

As regards Defendants Mickey Mouse "grievance hearings", this Petitioner will delightfully furnish the United States Supreme Court with all the

documentation to substantiate paragraph 5 of Petitioner's Federal Indictment type COMPLAINT (Petition pages 7a, bottom, and 8a). As for the terms, "testified", "testify", etc.; absolutely no such professional formality ever occurs, so the United States Supreme Court should need not be mislead or confused on this matter also.

The meaningful interpretation of the quotation at the bottom of this page 3, "to exercise great care, etc.", has already been mentioned on the opening page 3, bottom, of the Petition; and is continued on to the top of page 4.

Page 4. The second paragraph is just another and separate group of self impeaching statements from very minor employees. As for convening another one of their "grievance hearings", it was strictly Mickey Mouse again; and supportive of the afore-mentioned paragraph 5, page 7a in the Petition, of the Indictment type COMPLAINT.

The last paragraph of this page 4 states; "The factual incidents described above, etc.", which are

not in the least factual, by industrial due process, or judicial due process standards.

Pages 4 (bottom) - 5 (top). So that the United States Supreme Court shall not be bothered with trifles or confusion, the decision making abilities of Defendants has been reduced to the very simple expressions of, jelly beans and chicken coops. Mickey Mouse methods and procedures is the expression also utilized to aid the United States Supreme Court to understand the decision making abilities of Respondents and the Home Office in Trenton, New Jersey. Petitioner sincerely hopes that this will save time and effort expended by the United States Supreme Court, in this matter.

Page 5. The Petition is replete with Federal Court jurisdiction; however, a few items will be stressed by Petitioner. One of the voluminous documents filed with the COMPLAINT in Newark, New Jersey District Court was the form, "Allegation of Jurisdiction", Petition pages 5, 10, 12, and 40a (1443).

ERGO QUID? As a matter of law, Petitioner presented a first class Indictment type COMPLAINT; complete with jurisdiction, preponderance of evidence, etc., as required for conviction in United States Federal Courts.

Page 6. Argument

This Petitioner has to indicate an oversight in his presentation form of the Petition. On page 12 (last paragraph) and continued to page 13 (top), Petitioner failed to underscore the citation, as is the customary methods and procedure. Petitioner also forgot to include this citation on page vii, of the Table of Contents. It was not the objective of Petitioner to conceal this important citation, so that it could be overlooked and brought to bear at the opportune moment. This citation should answer paragraph one (1).

The second paragraph directs its "incomprehensible" allegations at:

1. "Employees of the District Court". This is obviously in reference to page 6 (bottom) and 7 of the PETITION FOR REHEARING EN BANC. This refers to the suppression and concealing of the PRELIMINARY EXHIBITS from the Federal Courts below.

2. "Criminal abuses of judicial process in New Jersey state courts". See Appendix page 2a, this Reply Brief.

3. "Looting, etc.", "Plunder, etc." ; Preponderance of evidence in decision making, which is willfully and knowingly protected by the cabal of New Jersey Attorneys General. The courts below are also so charged.

4. "Industrial due Process". Since an industrial case of this type requires citations from Labor Arbitration cases, one was selected by Petitioner and it is listed in Plaintiff - Appellant's Appendix for the Third C.C.A. It is found on page 50a (Aa 50). Twelve documents are submitted with the Written Narrative Statement and this citation

is No. 10 on the list. It is titled; U.C.L.A. Law Review, July 1959, pages 603 to 677. Industrial Due Process and Just Cause for Discipline: A Comparative Analysis of the Arbitral and Judicial Decisional Processes. (Copy supplied only to Court).

This Court copy has been accidently mixed by Newark, New Jersey District Court, from the originally filed papers, for the Written Narrative Statement. Petitioner will have to make arrangements for this correct re-filing in Newark, New Jersey District Court. It was returned to Petitioner amongst the PRELIMINARY EXHIBITS, and is now with the Petitioner's file. In addition, other submitted documents of Wigmore, Nuernberg, etc., have evidently been returned by mistake, also in the same mixed documents of moving papers, and the PRELIMINARY EXHIBITS. These also have to be checked by Petitioner.

5. "International Common Law". Evidently, Ex Parte Quirin and U.S. case law have no meaning Statesside for the cabal of New Jersey Attorneys General. It is also obvious that it is too common

for States-side application.

Page 7. "Mere suggestion or bare allegation that a claim is of constitutional dimensions, without more is not sufficient to confer jurisdiction." Page i of the Petition, Question No. 1, presents "more" than constitutional violations. Respondents ignore this also. The citations in the first paragraph have already been evaluated as not applicable. See page 2, paragraph 2 of this Reply Brief.

The second paragraph misleads the reader again. Petitioner filed litigation on a personal and vicarious liability basis only excluding collective. "Only on a personal basis", is not factual. See Petition page 4a, second to last paragraph. Also, page 13, No. 2.

The term, "inapposite" probably should read, "inappropriate". Respondents fail to indicate why the Nuernberg Tribunals are "inappropriate", since Petitioner has demonstrated widely how they are considered as part of U.S. case law.

The third paragraph refers to the elusive Defendant Winans. The Respondents do not deny that he resides in Pennsylvania. When the U.S. Marshall delivered to Defendant Marx, he could just as easily have inquired at Personnel, or the New Jersey State Police stationed there, about the current address of the former employees Winans and Foye. See Petition pages ii, 16, 21, and 22.

The cabal of New Jersey Attorneys General would misrepresent the reason for the "listing of federal agencies and their addresses", when the Petition specifies 28 U.S.C. Paragraph 1332 (c) on page 38a of the Petition. The well known libel citation is found on the bottom of Petition page 12, as was mentioned previously, page 9, second paragraph of this Reply Brief.

The citation Robertson v. Cease, 97 U.S. 646, is also not even closely akin to the factual pattern of the instant case.

The citation Paul v. Davis, 424 U.S. 693, is also not even closely akin to the factual

pattern of the instant case. It is 23 pages long, 11 pages of which are devoted to dissent opinions. There is no doubt that the best judicial views in the United States are presented here, which views are really encumbered or cancelled-out by inferior or useless Constitutions. The Defendants in Nuernberg Case No. 3, The Justice Case, surely had no such handicaps; and they further were supervised and assisted by the S.D. (Security Service, Dept. 3, R.S.H.A.). The Gestapo supervised and assisted the Prosecutors offices.

Page 8. Again, the well known citation at the bottom of page 12 of the Petition should have been read by the Respondents. Again, the Respondents wish to give the wrong presentation and purpose of the PRELIMINARY EXHIBITS. As mentioned ad infinitum, these Exhibits reduce the decision making abilities of the Respondents to such simple terms as jelly beans, chicken coops, Mickey Mouse, etc.

As for a federal action resulting from

this preponderance of evidence in decision making; there is no S.D. or Gestapo to supervise the Courts and prosecutors, so it appears to be most unlikely. The precise reasons for the preparation of the PRELIMINARY EXHIBITS is, listed on Petition pages 4 (third paragraph), 6 (last paragraph), 15, and 18.

The last paragraph is another professionally sounding and confidential presentation of misinformation and culpability. Petitioner agrees that Respondents claims to, "disputes concerning proper behavior in a residential facility", has finally led them to the United States Supreme Court. In addition, these fakers in every sense will never come to any court, in which Petitioner is present, and display any of their Mickey Mouse abilities for inspection, in their decision making abilities.

For the precise "intents and purposes" of the Respondents, see Petition page 4, second paragraph from the bottom of the page.

Pages i and ii sets forth, to the best of the Petitioner's ability, why the United States

Supreme Court's views on such activities of State-owned and operated industries; together with the cabal of New Jersey Attorneys General and the local Court Houses, be closely inspected on their decision making. These pages here are Petition pages.

CONCLUSION

Petitioner has presented the facts of the "insubstantial, implausible, and incomprehensible" Petition, as Respondents claim it to be presented; in such a new fashion by this Reply Brief, as to reduce any abstractions to the simplest concrete expressions, so that the United States Supreme Court can see that this task has been performed, and a Writ of Certiorari shall issue.

Respectfully submitted,

September 12, 1982

Herbert A. Cochrane
Pro-Se. Petitioner
P.O. Box # 71 - G
Greystone Park
New Jersey 07950 - 9071

(STAMP)

ORIGINAL FILED
AUG. 12 1977

Elizabeth McLaughlin
Clerk

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

TRENTON, MERCER COUNTY

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HERBERT A. COCHRANE, Pro Se. Appellant.	DOCKET NO. L - 40372 - 75. Civil Action
vs.	NOTICE OF APPEAL
KARL N. MARX, Defendant.	CERTIFICATION TO THE SUPERIOR COURT, APPELLATE DIVISION

SAT BELOW

The Honorable Robert Muir, A.J.S.C.

Morris County Court House

Morristown, New Jersey

WILLIAM F. HYLAND,

Attorney General of New Jersey,

State House Annex

Trenton, New Jersey, 08625.

Attorney for Defendant,

Karl N. Marx,

Greystone Park Manager,

New Jersey.

THE UNDERSIGNED, HERBERT A. COCHRANE, duly representing himself in this NOTICE OF APPEAL, charges that the Superior Court judge named herein participated in criminal abuse of judicial processes, as defined by the Code of Professional Responsibility and Code of Judicial Conduct, duly enacted by the American Bar Association. These crimes included intimidations, atrocities, provocations, criminal charges, unjustified court orders, resettlement, and other unjustifiable acts, as set forth in Counts One, Two, and Three, of this NOTICE OF APPEAL.

The judge accused as guilty of these crimes is the Honorable Robert Muir, A.J.S.C., Morris County Court House, Morristown, New Jersey.

COUNT ONE - DISCRIMINATORY PROCEEDING.

1. On Friday, June 24, 1977, the presiding judge named herein, unlawfully, willfully, and knowingly subjected the Appellant to a discriminatory proceeding, which denied to him all semblance of judicial process. This consisted of criminal abuse

of judicial process, including unwarranted imposition of an eviction order for resettlement, unwarranted endorsement of falsified charges, criminal abuse of discretion; all of which resulted in involuntary resettlement, imposition of falsified charges, exoneration of those charged with filing such depraved reports about Appellant, and the totally unnecessary expenditures of time and funds imposed upon Appellant, as well as Federal and State Treasuries.

2. That on said Summary day, Appellant was prepared for oral argument on all citations in the Dep. Att.General Grillos' Brief; however, the presiding judge named herein, requested no discussion of the D.A.G. Grillos's Brief. The presiding judge named herein commenced his opinion and judgment by immediate discussion of said Grillos Brief and cited, Jorgensen vs. Pennsylvania R.R. Co. (*See Footnote added to this copy); in which an employee is pro-

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(* Footnote) 25 N.J. at page 541. Supreme Court of New Jersey, 1958.

secuted for engaging in the commission of a crime, which was detected, documented, and demonstrated by specially trained security guards of the company, employed for that very specialized service.

The Appellant was thereby automatically placed in the same catagory of engaging in the commission of crimes. This artifice of "punishment by analogy" was presented by the presiding judge named herein; although, primarily the Appellant proved the depravity of the report writings about him, and no evidence was offered to impeach the statements that the managers and directors were nothing but proven fakers in every sense. Neither this citation, not any other citation in the D.A.C. Grilles Brief has any similarity whatsoever to this Appellant. The above-described proceeding resulted in a "punishment by analogy" type of artifice being imposed upon the Appellant; together with, full judicial endorsement for future atrocities of a similar nature by these demonstratedly proven fakers in every sense. The unchallenging of these depraved reports,

resettlement, encouragement of future depraved reports, willful and knowing squandering of Federal, State, and Appellant's funds, also followed. Judicial knowledge as an ultimate fact is meant here. The presiding judge named herein is charged with special responsibility for and participation in these crimes. See U.S. vs. Moscow Seed Co., 14 F. Supplement 135. D.C. Idaho, 1936.

3. Appellant filed voluminous references in law from Wigmore, C.J.S., N.J. Tort Claims Act, and Nuernberg Tribunals worthy of highly probative value and judicial notice. Further law references were to be filed in the course of trial. Nothing was left ambiguous. These were totally ignored by the presiding judge named herein. The above-described proceeding resulted in the judicial endorsement of depraved reports against the Appellant, tolling of all Appellant process, judicial endorsement for future depraved reports, intimidations and provocations, and unlawful activities against this Appellant.

COUNT TWO - PROCEEDING OF SUMMARY TRAVESTY

4. The presiding judge named herein utilized the employment of summary procedures for suppression of opposition. This was to render the false impression that the Appellant was unprepared in reference work, law, preponderance of evidence, and total justification of his well demonstrated charges of malice, proven fakers in every sense, etc. This was tantamount to denial of right to file private suits for personal and vicarious liability. The above-described proceeding resulted in the resettlement, judicial vilification by endorsement of such depraved reports, and encouragement for such atrocities in the future.

It barred recourse to any evidence, witnesses, or adequate defense against such depraved report writings of proven malice, ipso facto.

5. Nothing of factual material submitted by Appellant was impeached as non factual by the presiding judge named herein. The malice of defendant Marx was well demonstrated; as well as, his incomp-

stance in decision making for report writing on all matters, With such presentations, demonstrated fakers in every sense, should have been officially classed as such.

6. That oral argument methods in the very same Court House are conducted completely differently in every respect, Appellant will submit the Summary transcript of procedure, presided over by Judge Egan on March 27, 1975, for juxtaposition.

As is the custom in Federal practice, Appellant reserved this occasion to impeach every single one of the affidavits presented in opposition; however, the time was very limited by the presiding judge named herein.

COUNT THREE - COMMISSIONS OF CRIMES.

7. That on April 6, 1973, The Greystone Park manager sent a depraved report about this Appellant to the undersigned, and said depraved report maliciously and willfully distorted and misrepresented factual matters so that Appellant was falsely charged. For justifying said communication, the Greystone Park manager utilized the pretext of totally spurious, non factual, and fabricated reports. The presiding judge named herein is charged with special responsibility for, and exoneration of these crimes. These crimes are further particularized in paragraph 1, of this Notice of Appeal, which is incorporated herein by reference. These crimes included, but were not limited to the facts set out in paragraphs 1 and 6, inclusive, of this Notice of Appeal.

8. That on June 22, 1976, the Greystone Park manager sent another depraved report about this Appellant to the undersigned and said depraved report maliciously, and willfully distorted and misrepresented factual matters, so that Appellant was falsely

charged. For justifying said communication, the Greystone Park manager utilized the pretext of totally spurious, non factual, and fabricated reports. The presiding judge named herein is charged with special responsibility for and exoneration of these crimes. These crimes are further particularized in paragraph 2 of this Notice of Appeal, which is incorporated herein by reference.

9. That on June 6, 1977, the Greystone Park Personnel manager, Mr. Richard Winans, sent another depraved report about this Appellant to the undersigned, and said depraved report maliciously and willfully distorted and misrepresented factual matters, so that Appellant was falsely charged. For justifying said communication, the Greystone Park Personnel manager utilized the pretext of totally spurious, non factual, and fabricated reports. The presiding judge named herein is charged with special responsibility for and exoneration of these crimes. These crimes are further particularized in paragraph 3 of this Notice of Appeal, which is incorporated

herein by reference.

10. That such depraved reports of engaging in commissions of crimes were not impeachable by this Appellant was well demonstrated in the papers filed, during the Summary procedure, and a preponderance of evidence prepared for trial. The presiding judge named herein is charged with using his office and exercising his power with the knowledge and intent that his official acts would result in intimidations, provocations, assaults, and further depraved reports against this Appellant. These crimes are further particularized in paragraph 4 of this Notice of Appeal, which is incorporated herein by reference.

Wherefore, this Notice of Appeal is filed with the Clerk of the Court, and the charges herein made against the above-named presiding judge are hereby presented to the Superior Court of New Jersey, Appellate Division.

Respectfully submitted,

July 25, 1977 (signed)

Morristown, N.J. Herbert A. Cochrane, Pro Se.

I hereby certify that the foregoing is a true copy of the original on file in my office.

(STAMP)

Elizabeth McLaughlin
(signature)

Clerk

F I L E D

Feb. 1, 1977

Arnold M. Stein, J.C.C. T/A

(STAMP) *

Copy of this pleading

retained in the

Morris County Clerk's Office

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P. Louis Bambrick

Clerk

D O C K E T E D

Mar. 7 1977

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(STAMP) * *

P. Louis Bambrick

Clerk

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* Refers to filing in Morristown Court House, N.J.

* * Refers to filing in Trenton Court House, N.J.

WILLIAM F. HYLAND, ATTORNEY GENERAL OF NEW JERSEY
Attorney for Defendant - Karl N. Marx

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25 Scotch Road, Trenton, New Jersey 08625
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L - 40372 - 75
(STAMP) L

HERBERT COCHRANE,)
Plaintiff,) Civil Action
vs.) ORDER
KARL N. MARX,)
Defendant.)

This matter having been opened to the Court on this 28th. (handwritten by Judge) day of January, 1977;

ORDERED that defendant, Karl N. Marx, supply plaintiff within 10 days of the signing hereof, with the ("the" cancelled by judge, "all" superimposed by Judge) letters ("or reports", superimposed by Judge) filed with defendant concerning plaintiff's behavior as a resident at the Greystone Park Hospital

and an ("an" cancelled by Judge, "all" superimposed by Judge) organizational chart ("s" added by Judge, for the plural) of same.

(Signed)

Arnold M. Stein, J.C.C., T/A.
(T/A handwritten by Judge)

I hereby certify that the foregoing is a true copy of the original on file in my office.

(STAMP)

F. Louis Bambrick
(signature)
Clerk